

Attorney for Debtors  
Nupa Agarwal, Esq.  
P.O. Box 17275  
Richmond, VA 23226  
804-691-2655

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division

IN RE: Richard M. McCutchen  
Latrina D. McCutchen  
Debtors

**Notice of Motion and Hearing to Reconsider ORDER Granting Relief From Stay By U.S. Bank National Association, as Trustee for Citigroup Mortgage Loan And Trust**

COMES NOW, Richard M. McCutchen & Latrina D. McCutchen, the debtors, by Counsel, Nupa Agarwal, Esq. filed papers with the court asking the court Reconsider ORDER Granting Relief from Stay

**Your rights may be affected.** You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case.

If you do not want the court to grant the relief sought in this petition or if you want the court to consider your views on the petition, then you or your attorney must:

**File a response with the court pursuant to Local Bankruptcy Rule 9013-(H) so that the court receives it no later than fourteen (14) days prior to the hearing date. You must mail your response to the Clerk, United States Bankruptcy Court, 701 E. Broad Street, Richmond, VA 23219.**

You must also attend a hearing on the Motion to Reconsider Order of Dismissal of the Chapter 13 case, scheduled to be held on **May 3, 2017 @ 12PM** at the U.S. Bankruptcy Court, 701 E. Broad Street, Courtroom 5100, Richmond, VA 23219.

You must also mail a copy of your response to Nupa Agarwal, Counsel for Debtor, P.O. Box 17275, Richmond, VA 23226.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief Sought in the motion and may enter an order granting the motion.

Date: April 18, 2017

/s/ Nupa Agarwal  
Nupa Agarwal, Esq.  
P.O. Box 17275  
Richmond, VA 23226  
Attorney for Debtor

**Certificate of Service**

I hereby certify that on April 18, 2017 I served by ECF or mailed a true copy of this Motion to Reconsider Order of Dismissal of Chapter 13, and Notice of Motion to: Karl Anthony Moses, JR attorney for BWW Law Group, 8100 Three Chopt Road, Suite 240, Richmond, VA 23229 for US Bank National Association, as Trustee for CitiGroup Mortgage Loan Trust;Richard M. McCutchen & Latrina D. McCutchen, Debtors at the 5804 Kristenleaf Court, Richmond, VA 23225; to the Trustee; United States Trustee at 701 E. Broad Street, Room 4304, Richmond, VA 23219; and to the parties on the attached service list.

/s/ Nupa Agarwal  
Nupa Agarwal

Attorney for Debtors  
Nupa Agarwal, Esq.  
P.O. Box 17275  
Richmond, VA 23226  
804-691-2655

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division

IN RE:  
Richard M. McCutchen  
Latrina D. McCutchen  
Debtors

Case No. : 13-31727  
Chapter 13

U.S. Bank National Association, as Trustee  
for Citigroup Mortgage Loan Trust 2007-  
WFHE3, Asset-Backed Pass-Through Certificates,  
Series 2007-WFHE3

Movant

V.

Richard M McCutchen  
Latrina D. McCutchen  
Debtors  
And  
Carl M. Bates  
Trustee

Motion to Reconsider ORDER Granting Relief From Stay BY U.S. Bank National Association, as  
Trustee for Citigroup Mortgage Loan And Trust

COMES NOW, Richard M. McCutchen & Latrina D. McCutchen, the debtors, by Counsel, Nupa Agarwal, Esq. to move this Court for a Motion to Reconsider Order Granting Relief From Stay entered by the Court on April 14, 2017. In support of this Motion, the debtors state the following:

1. The debtors filed a Voluntary Petition under Chapter 13 of the United Stated Bankruptcy Code on March 28, 2013. Their Chapter 13 Plan has been confirmed.
2. The debtors are owners of 5804 Kristenleaf Court, Richmond, VA 23225 with a Mortgage owned By U.S. Bank National Association, as Trustee for Citigroup Mortgage Loan.
3. U.S. Bank National Association, as Trustee for Citigroup Mortgage Loan and Trust for CitiGroup through their Attorney Karl Anthony Moses, Jr. with the Law Firm of BWW Law Group, LLC filed a Notice of Default on March 13, 2017 with a 14 day Cure Period.
4. The Debtors provided Proof of Payments within the (14 day) cure time limit given to "Cure the Default". During this time period, Mr. McCutchen was ill and the family was in a state of very

high stress. Before the Notice of Default was filed it appears that they had been making the correct monthly payment amount.

5. When Mrs. McCutchen made her cure payments at a local Wells Fargo Bank she was told an incorrect monthly payment amount. Ms. McCutchen was told that the payment amount was 1030.10 which was an amount that was due monthly from the period of time between April 1, 2015 through April 1, 2016.
6. On April 5, 2017, U.S. Bank National Association, as Trustee for Citigroup Mortgage Loan and Trust for CitiGroup through their Attorney filed the Certification of Default. Ms. McCutchen promptly cured the remaining balance which was only **\$35.45** by payment at the bank. The Representative at the bank stated that all receipts of amounts paid had been sent to the creditor's law firm.
7. The Debtors Attorney filed a response to the Certification of Default on April 12, 2017.
8. On April 14, 2017 an Order Granting Relief from Stay was entered.
9. The Debtor's have made the April Mortgage payment.
10. Debtors' contend that an order for relief should be reconsidered by this Honorable Court as they were under a state of stress and that relief should not be granted for a mere deficiency of \$35.45. Debtors were given incomplete and inaccurate information by the creditor's representatives otherwise no order of relief would have been granted.

WHEREFORE, the Debtors Richard M. McCutchen & Latrina D. McCutchen pray that this Honorable Court revisit the Order from Relief from Stay in this matter and withdraw the Order as asked for in this Motion.

Date: April 18, 2017

Respectfully submitted:

Richard M. McCutchen & Latrina D. McCutchen

By: /s/ Nupa Agarwal, Counsel

Certificate of Service

. I hereby certify that on April 18, 2017 I served by ECF or mailed a true copy of this Motion to Reconsider Order Granting Relief from Stay, and Notice of Motion to: Karl Anthony Moses, JR attorney for BWW Law Group, 8100 Three Chopt Road, Suite 240, Richmond, VA 23229 for US Bank National Association, as Trustee for CitiGroup Mortgage Loan Trust; Richard M. McCutchen & Latrina D. McCutchen, Debtors at the 5804 Kristenleaf Court, Richmond, VA 23225; to the Trustee; United States Trustee at 701 E. Broad Street, Room 4304, Richmond, VA 23219; and to the parties on the attached service list.

/s/ Nupa Agarwal  
Nupa Agarwal

Department of Treasury-IRS  
IRS  
PO Box 7346  
Philadelphia, PA 19101

Allgate Financial Llc  
130 S Jefferson St Ste 1  
Chicago, IL 60661

Allgate Financial Llc  
130 S. Jefferson Street  
Chicago, IL 60661-3626

AMCA  
PO Box 1235  
Elmsford, NY 10523

American Credit Accept  
961 E Main St  
Spartanburg, SC 29302

AT&T  
PO Box 536216  
Atlanta, GA 30353

BWW Law Group, LLC  
8100 Three Chopt Road  
Suite 240  
Henrico, VA 23229

Chippenham Pediatric and Adol  
7023 Old Jahnke Road  
Richmond, VA 23225

City of Richmond PRC  
203 East Cary Street  
Suite 126  
Richmond, VA 23219

City of RichmondTax Assessment  
900 E. Broad Street  
Room 100  
Richmond, VA 23219

CJW Medical Center  
PO Box 13620  
Richmond, VA 23225

Dr. Anthony Puller  
7834 Forest Hill Ave.  
Richmond, VA 23225

DS Funding LLC  
605 Lynnhaven Parkway, Ste 200  
Virginia Beach, VA 23452

Focused Recovery Solut  
9701 Metropolitan Ct Ste  
North Chesterfield, VA 23236

Fredicksburg Credit Bureau Inc  
10506 Wakeman Dr  
Fredericksburg, VA 22407

Friedmans Jewelers  
4550 Excel Parkway  
Ste 100  
Addison, TX 75001

GECRB/JC Penny  
Attention: Bankruptcy  
Po Box 103104  
Roswell, GA 30076

Henrico Surgical Specialist  
PO Box 740776  
Cincinnati, OH 45274

Internal Medicine Virginia Phy  
P.O. Box 28780  
Henrico, VA 23228-8780

Lab. Corp  
PO Box 2240  
Burlington, NC 27216

Nco Fin/51  
Po Box 13574  
Philadelphia, PA 19101

Pediatric Associates P.C.  
1001 Hioaks Road  
Richmond, VA 23225

Pediatric Cardiology  
7603 Forest Ave., Ste. 401  
Henrico, VA 23229

Phoenix Credit, LLC  
2501 McGavock Pk., Ste 300  
Nashville, TN 37214

Professional Recovery Consulta  
PO Box 2456  
Richmond, VA 23218

Sallie Mae  
Attn: Bankruptcy  
E3149, Po Box 9430  
Wilkes-Barre, PA 18773

Santander Consumer Usa  
Po Box 961245  
Fort Worth, TX 76161

SCI  
P.O. Box 85005  
Mechanicsville, VA 23116

Unknown  
2601 Nw Expressway Suite 1000  
Oklahoma City, OK 73112

Us Dept Of Education  
Attn: Borrowers Service Dept  
Po Box 5609  
Greenville, TX 75403

Virginia Employment Commission  
PO Box 1358  
Richmond, VA 23218-1358

Virginia Physicians Imaging  
4900 Cox Rd., Ste 150  
Glen Allen, VA 23060

Wells Fargo Hm Mortgage \*\*\*  
8480 Stagecoach Cir  
Frederick, MD 21701